IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3092 OF 2005

Shri Ravi Dnyaneshwar Hole ...Petitioner
Vs.
The State of Maharashtra ...Respondent

Ms K.S.Kambli for the Petitioner.
Shri A.S.Shitole, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 29, 2006.

P.C.:

1. Heard the Advocate appearing for the Petitioner. The challenge in this Petition is to the order dated 20th September, 2005 passed by the learned Adhoc Additional Sessions Judge by which the additional charge under section 366 read with section 34 of the Indian Penal Code, 1908 was ordered to be framed. The learned Advocate for the Petitioner submitted that there was absolutely no material to frame charge under section 366 of the Indian Penal Code. She submitted that in any event if additional charge was to be framed, opportunity should have been given to the Petitioner to further cross-examine the witnesses examined by the prosecution.

2. I have considered the submissions. The learned Judge has referred to the complaint in which

assertions regarding commission of offence under section 366 of the said Code have been made. The learned Judge noted that investigation has been made in respect of offence under section 366 of the said Code. While submitting the chargesheet, offence under section 366 of the said Code was included. The learned Judge has noted that considering the material on record, charge for offence under section 366 of the said Code ought to have framed. Therefore, there is no merit in the grievance made as regards the impugned order.

3. In the impugned order itself the learned Trial Judge has noted that the accused persons are going to have a chance of cross-examining the prosecution witnesses on the basis of the additional charge framed. Thus, there is no merit in the submission of the Advocate for the Petitioner that the Trial Court has not granted opportunity to the Petitioner to cross-examine the prosecution witnesses.

4. Subject to what is observed above, the Writ Petition is rejected.

JUDGE